



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

OCT 20 2005

Ref: 8ENF-W

CERTIFIED MAIL LETTER 7003 2260 0001 7791 6135
RETURN RECEIPT REQUESTED

Goshen County Commissioners
c/o Lloyd Peterson, Chair
P.O. Box 160
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act Enforcement
Action against
Potlatch Trailer Court
PWS ID#5600171

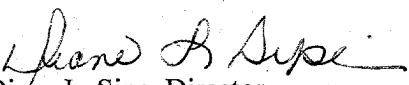
Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly, because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water supply system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the Potlatch Trailer Court water system, Torrington, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.23(d), 141.23(c)(1), 141.24(f), and 141.31(b) for failure to conduct routine monitoring for nitrate, failure to conduct routine monitoring for inorganic contaminants, failure to conduct routine monitoring for volatile organic contaminants, and failure to report violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

OCT 20 2005

Ref: 8ENF-W

CERTIFIED MAIL LETTER 7003 2260 0001 7791 6142
RETURN RECEIPT REQUESTED

Gary and Opal Hubert, Owners
Potlatch Trailer Court
9035 Vantssel Rd
Torrington, WY 82240

Re: Administrative Order
Docket No. SDWA-08-2006-0002
PWS ID #WY5600171

Dear Mr. and Mrs. Hubert:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that you, as owners of the Potlatch Trailer Court, are suppliers of water as defined by the SDWA and that you have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.23(d), 141.23(c)(1), 141.24(f), and 141.31(b) for failure to conduct routine monitoring for nitrate, failure to conduct routine monitoring for inorganic contaminants, failure to conduct routine monitoring for volatile organic contaminants, and failure to report violations to EPA.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.




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Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order
SBREFA

cc: Kevin Northup
Wyoming DEQ (via email)
Wyoming DOH (via email)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2005 OCT 20 AM 8:19

IN THE MATTER OF)

Gary and Opal Hubert, Owners)

Potlatch Trailer Court)

Torrington, Wyoming)

Respondents)

Proceedings under Section 1414(g))

of the Safe Drinking Water Act,)

42 U.S.C. § 300g-3(g))

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0002

FILED
EPA REGION VIII
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Gary and Opal Hubert (Respondents) are individuals and therefore "persons" within the meaning of 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, Potlatch Trailer Court water system (the System), located in Goshen County, Wyoming for the provision to the public of piped water for human consumption.
3. The System regularly serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42



U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a February 5, 2001 sanitary survey by an agent for EPA, the System is supplied solely by a ground water source consisting of one well. The System serves approximately 75 persons per day during the year-round operating period through 41 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL) as stated in 40 C.F.R. § 141.62.
2. Respondents failed to monitor annually for nitrate in 2004, in violation of 40 C.F.R. § 141.23(d).

II.

1. 40 C.F.R. § 141.23(c)(1) requires community and non-transient, non-community water systems utilizing groundwater sources to monitor the water once in each



3-year compliance period to determine compliance with the MCL for inorganic contaminants as stated in 40 C.F.R. § 141.62.

2. Respondents have failed to monitor the water for inorganic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.23(c)(1).

III.

1. 40 C.F.R. § 141.24(f) requires community public water systems to monitor their water to determine compliance with the MCLs for volatile organic contaminants as stated in 40 C.F.R. § 141.61. Pursuant to 40 C.F.R. § 141.24(f)(6), EPA has allowed the System to meet this requirement by monitoring triennially.
2. Respondents have failed to monitor the water for volatile organic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.24(f).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondents failed to report to EPA the noncompliance detailed in Sections I through III above, in violation of 40 C.F.R. § 141.31(b).



ORDER

Based on the foregoing Findings, and pursuant to Sections 1414(g) and 1445(a)(1)(B) of the Act, IT IS ORDERED:

1. Within 30 days of the date of this Order, Respondents shall monitor the System's water for nitrate, to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Thereafter Respondents shall monitor the System's water for nitrate at least annually unless otherwise required by 40 C.F.R. § 141.23(d). Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. Within 30 days of the date of this Order, Respondents shall monitor the System's water for inorganic chemicals to determine compliance with the inorganic MCL appearing at 40 C.F.R. § 141.62. Thereafter Respondents shall monitor the System's water for inorganic chemicals at least triennially unless otherwise required by 40 C.F.R. § 141.23(c)(1). Respondents shall report analytical results to the EPA within the first 10 days following the month in which results are received, as required by 40 C.F.R. § 141.31(a).
3. Within 30 days of the date of this Order, Respondents shall monitor the System's water for volatile organic chemicals to determine compliance with the MCL for volatile organic contaminants appearing at 40 C.F.R. § 141.61. Thereafter Respondents shall monitor the System's water for volatile organic chemicals at



least triennially unless otherwise required by 40 C.F.R. § 141.24(f). Respondents shall report analytical results to EPA within the first 10 days following the month in which results are received, as required by 40 C.F.R. § 141.31(a).

4. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
5. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

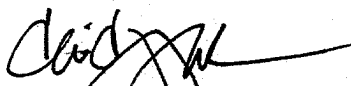
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

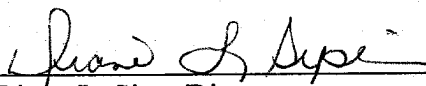


3. Violation of any requirement of the Act or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 20th day of October, 2005.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice





U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman

